

**STAFF RECOMMENDS DENIAL**

Item # 25

13-09-06

**ORDINANCE NO.**

1 **AN ORDINANCE GRANTING A WAIVER FOR PROPERTY LOCATED AT**  
2 **2005 MATTHEWS DRIVE FROM CERTAIN INTERIM DEVELOPMENT**  
3 **REGULATIONS PRESCRIBED BY ORDINANCE NO. 20060216-043 FOR**  
4 **CONSTRUCTION OF A SINGLE FAMILY RESIDENCE.**  
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6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**  
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8 **PART 1.** This ordinance applies to the construction of a 3,400 square foot single family  
9 residence located at 2005 Matthews Drive.

10 **PART 2.** Applicant has filed a waiver application requesting that Council waive Part  
11 3(2) of Ordinance No. 20060216-043 which limits construction of a new single family  
12 structure on a lot where a structure has been or will be demolished or relocated to the  
13 greater of the following:

- 14 (A) 0.4 to 1 floor-to-area ratio;
- 15 (B) 2,500 square feet; or
- 16 (C) the existing size plus 1,000 square feet, if the applicant has been granted a  
17 homestead exemption for the duplex.

18 **PART 3.** Council has considered the factors for granting a waiver from interim  
19 development regulations prescribed by Ordinance No. 20060216-043. Council finds that  
20 such a waiver is justified because:

- 21 (A) the development limitation imposes undue hardship on the applicant; and
- 22 (B) the development proposed by the applicant will not adversely affect the  
23 public health, safety, and welfare.

24 **PART 4.** A waiver is granted from Part 3(2) of Ordinance 20060216-043 to allow the  
25 construction of a 3,400 square foot single family residence located at 2005 Matthews  
26 Drive.

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**PART 5.** This ordinance takes effect on \_\_\_\_\_, 2006.

**PASSED AND APPROVED**

\_\_\_\_\_, 2006

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\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk